

chase State convict farms and improve and stock the same, to work convicts thereon, and to make appropriation therefor." be recommitted to the committee on Penitentiaries.

The chair announced that substitute House bill for Senate bill No. 12, entitled "An act to amend article 182 of the revised civil statutes of the state of Texas."

Was referred to Judiciary committee No. 2.

On motion of Senator Pope the Senate adjourned to 10 a. m. tomorrow.

#### TWENTY EIGHTH DAY.

SENATE CHAMBER, }  
AUSTIN, February 14, 1891. }

Senate met pursuant to adjournment.

Lieutenant Governor Pendleton in the chair.

Roll called.

Quorum present.

The following senators answering to their names:

#### PRESENT—22.

Atlee,	Harrison,	Pope,
Carter,	Johnson,	Seale,
Clark,	Kearby,	Sims,
Clemens,	Kimbrough,	Stephens,
Cranford,	Lubbock,	Townsend,
Finch,	Maetze,	Tyler,
Frank,	McKinney,	Whatley.
Garwood,	Page,	

#### ABSENT—4.

Crane,	Simkins,	Weisiger.
Potter,		

Prayer by Chaplain, Dr. Smoot.

Pending reading of the journal Senator Stephens moved that further reading of the same be dispensed with.

Adopted.

On motion of Senator Frank Senator Potter was excused for today on account of important business.

On motion of Senator Kimbrough Senator Crane was excused for today on account of important business.

On motion of Senator Cranford Senator Ingram was excused for the day on account of sickness.

On motion of Senator Kearby the journal of yesterday was corrected to show that House bill 64 and not Senate bill 64 was reported favorably from committee on Finance.

On motion of Senator Cranford Sergeant at arms Brewer was excused yesterday and today on account of important business.

REPORTS FROM STANDING COMMITTEES.

Senator Whatley offered the following report:

COMMITTEE ROOM,  
Austin, February 13, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on State Affairs, to whom was referred Senate bill No. 100 with amendments, being an act to amend an act entitled, "To amend article 566, chapter 2, title 20, of the Revised Civil Statutes of the State of Texas, as amended by the Twentieth Legislature, approved March 23, 1887, and as amended at the special session of the Twentieth Legislature, approved April 30, 1888, and to add article 566a, relating to foreign corporations, and which was recommitted with amendments for the action of this committee, have had the same under consideration and I am instructed to report the same back to the Senate with the subdivision 38, as follows:

"38. To act as trustee and to do a general fiduciary and depository business; to act as surety, and to act as guarantor of titles to real property, and the fidelity of employees of other persons."

Such incorporations may act as executors or testamentary guardian when designated such by a decedent or receiver, assignee, trustee or administrator, when designated by any person, corporation or court so to do; provided, that such corporation shall not be appointed administrator, unless the persons entitled by law to be appointed shall waive their rights in writing in favor of such corporation; that the court making such appointments into the affairs to be made at the expense of said corporation, by an auditor or master appointed for the purpose.

Provided further, That no corporation shall be chartered under this subdivision unless it has an authorized capital of at least three hundred thousand dollars, and such corporation shall not commence business until two hundred thousand dollars has been paid in cash, and a certificate to that effect obtained from the secretary of State after he is satisfied himself of the fact; and if any such corporation shall do any business before the issue of such certificate, the directors shall be individually liable for debts and contracts of the same."

And as thus amended that the same

do pass.

Respectfully submitted,  
WHATLEY, Chairman.

Senator Whatley offered the following report:

COMMITTEE ROOM,

Austin, February 13, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on State Affairs, to whom was referred

Senate bill No. 244, being "An act to amend article 3362, title of the revised civil statute of the State of Texas, relating to notaries public."

Have had the same under consideration, and I am instructed to report the same back to the Senate with a substitute bill, and respectfully recommend that the substitute do pass.

WHATLEY, Chairman.

Senator Whatley offered the following report:

COMMITTEE ROOM,

Austin, February 13, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on State Affairs, to whom was referred

Senate bill No. 266, being "An act to investigate, suppress and prevent the spread of contagious and infectious diseases among horses, cattle, mules, asses, sheep and goats of this State, and to make an appropriation therefor,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WHATLEY, Chairman.

Senator Whatley offered the following report:

COMMITTEE ROOM,

Austin, February 13, 1891.

Hon. Geo. C. Pendleton, President of the Senate.

Sir—Your Committee on State Affairs to whom was referred Senate bill No. 154, being "An act for the relief of Governor P. H. Bell, a veteran of the Texas revolution, herewith present to the Senate a substitute bill in lieu of the original Senate bill, and I am instructed to report the same back to the Senate with the recommendation that the substitute bill do pass.

All of which is respectfully submitted.

WHEATLEY, Chairman.

Bill and substitute read first time.

Senator Tyler made the following report:

COMMITTEE ROOM,

Austin, February 13, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

Senate bill No. 226, being "An act to amend the code of criminal procedure of the State of Texas, by adding thereto articles 780a, 780b and 780c,"

Have had the same under consideration, and I am instructed to report the accompanying substitute bill back to the Senate, being Senate substitute bill No. 226, "An act to amend article 780 of the code of criminal procedure, by adding thereto articles 780a and 780b," with the recommendation that the substitute do pass.

All of which is respectfully submitted.

TYLER, Chairman.

Senate substitute bill No. 226 read first time.

COMMITTEE ROOM,

Austin, February 13, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

Senate bill No. 189, being "An act to provide for the appointment of official stenographers for the district courts of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it be considered in connection with Senate bill No. 69, on the same subject, which has been favorably reported by Judiciary committee No. 1.

All of which is respectfully submitted.

TYLER, Chairman.

Bill read first time.

Senator Tyler made the following report:

COMMITTEE ROOM,

Austin, February 13, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

Senate bill No. 259, being "An act to provide for the more speedy enforcement of the collection of debts,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

TYLER, Chairman.

Senator Tyler offered the following report:

## COMMITTEE ROOM,

Austin, February 13, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred Senate bill No. 186, being "An act to authorize by statute the bringing and prosecution of certain forms of action, and to provide for the mode of service in such cases," have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

All of Which is respectfully submitted.

TYLER, Chairman.

Bill read first time.

Senator Tyler made the following report:

## COMMITTEE ROOM,

Austin, February 13, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

Senate bill No. 122, being "An act to amend chapter 1, title 8 of the code of criminal procedure by adding thereto article 597a,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

TYLER, Chairman.

Bill read first time.

The following message was received from the House:

HALL OF THE HOUSE OF REPRESENTATIVES, AUSTIN, TEXAS,  
Tuesday, February 14, 1891. }

Hon. George C. Pendleton, President of the Senate:

Sir—I am instructed by the House to inform your honorable body of the passage of the following bills:

Senate bill No. 16, "An act prescribing the time for holding court in the Forty sixth judicial district, and to repeal all laws and parts of laws in conflict therewith."

Also Senate bill No. 129, "An act to prescribe the time of holding the district court in the Thirty-seventh and Forty-fifth judicial districts, embracing the county of Bexar."

Also House bill No. 386, "An act to define who are fellow servants and who are not fellow servants." Respectfully,  
GEO. W. FINGER,  
Acting Chief Clerk, House of Representatives.

House bill No. 386 read first time, and referred to Judiciary committee No. 1.

## BILLS AND RESOLUTIONS.

By Senator Stephens:

Petition from city council of the city Burlington, asking for their name to be changed to Spanish Fort.

Read first time and referred to committee on Cities and Towns.

By Senator Harrison:

A bill to be entitled "An act to create the Forty-ninth judicial district of the State of Texas and to provide the time for holding court in the Thirteenth, Eighteenth, Nineteenth and Forty-ninth judicial districts."

Read first time and referred to committee on Judicial Districts.

Senator Carter offered the following report:

## COMMITTEE ROOM,

Austin, February 12, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed bills have carefully examined and compared

House bill No. 193, being "An act to prescribe the times for holding the terms of the district court in the Forty-seventh Judicial district and to repeal all laws and parts of laws in conflict therewith,"

And find the same correctly engrossed.

CARTER, Chairman.

## COMMITTEE ROOM,

Austin, February 12, 1891

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 245, being "An act to incorporate the city of Denison, in Grayson county, Texas, to fix the boundaries thereof, and to provide for its government and the management of its affairs,"

And find the same correctly engrossed.

CARTER, Chairman.

Senator Atlee offered the following report:

## COMMITTEE ROOM,

Austin, February 13, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Public Health, to whom was referred Senate bill No. 264, being an "Act to regulate the practice of medicine and surgery and to create a State Board of Medical Examiners."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendment: Strike out all section 10 after the word "conduct" in section 10, line 3.

ATLEE, Chairman.

On motion of Senator Harrison the regular order was suspended and Senate substitute bill for Senate bills 152 and 187 was taken up.

Senator Page moved that the substitute be spread upon the journal and it be laid over until Monday.

Adopted.

Senate substitute bill for 152 and 187, a bill to be entitled "An act to make it unlawful to sell illuminating oil composed of petroleum, kerosene or any product thereof to any person within the state the flash test of which is less than 110 degrees Fahrenheit, to prescribe methods for making a test of the same and to provide penalties for a violation of the provisions thereof."

Section 1. Be it enacted by the legislature of the state of Texas that it shall be unlawful for any person, firm, association or corporation, their agent or agents dealing by wholesale or retail in refined petroleum, kerosene or other illuminating fluids composed in whole or in part of petroleum or any product thereof designated by whatever name, to sell the same in this state the flash test of which is less than 110 degrees Fahrenheit, provided,

Section 2. Any person, firm, association or corporation, their agent or agents who shall violate the provisions of section one of this act shall be guilty of misdemeanor and on conviction thereof shall be fined in any sum not less than \$25 nor more than \$500.

Section 3. In addition to the penalty provided in section two of this act damages in the penal sum of not less than thirty-five nor more than one hundred dollars for each and every violation of the provisions of section one of this act may be recovered in any court of competent jurisdiction by any retail dealer in the illuminating fluids aforesaid, of any person, firm, association, company or corporation, who shall by agent or otherwise sell to such retail dealer any of the illuminating fluids described in section one of this act, the flash test of which is less than 110 degrees Fahrenheit.

Sec. 4. The flash test hereinbefore

referred to shall be determined by means of what is known as the Foster cup.

Sec. 5. In the event that a State board of health is established by the legislature, such board or any member thereof shall be and they are hereby authorized to make a test of any illuminating fluid hereinbefore described at any time they may see fit, or may be called on to do so. Provided, however, that such test shall be made without cost or expense to the individual or firm furnishing such fluid for test. And it is further provided, that the certificate of the State board of health or the member thereof making the test certifying under oath that he or they have tested the illuminating fluid aforesaid in the manner hereinbefore provided for, and that such certified test is correct shall be admitted in any court in which prosecutions, both civil and criminal may be pending or may be brought under the provisions of this act.

Sec. 6. If no State board of health be established by the legislature, then the professor of chemistry at the State university at Austin be and he is hereby empowered to perform all the duties and requirements and to exercise all the function prescribed for the State board of health, in section 5 of this act.

Section 7. The fact that there is no law to protect the people of the State from adulterated and impure illuminating oils creates an imperative public necessity, justifying the suspension of the constitutional rule requiring bills to be read on three several days, and it is so enacted.

Senator Stephens moved to further suspend the regular order of business and to take up House bill No. 139, entitled "An act to diminish the civil and criminal jurisdiction of the county courts of Irion, Roberts, Ochiltree and Hansford counties.

Adopted and bill read second time with the committee amendment.

Committee amendment adopted.

Senator Stephens offered the following amendment:

Amend House bill No. 139 by adding to caption after the word "Edwards" the words "Brewster, Lipscomb, Carson and Roberts; and to make the bill conform to the caption by making the bill include the counties of Brewster, Lipscomb, Carson and Roberts.

Adopted and bill passed to third reading.

Senator Stephens moved that the constitutional rule requiring bills to be

read on three several days be suspended and the bill be put upon its final passage.

Adopted by the following vote.

YEAS—23.

Atlee,	Harrison,	Page,
Clemens,	Johnson,	Pope,
Cranford,	Kearby,	Seale.
Carter,	Kimbrough,	Sims,
Clark,	Lubbock,	Simkins,
Finch,	McKinney,	Stephens,
Frank,	Maetze,	Townsend,
	Tyler,	Whatley.

Bill read third time and passed by the following vote:

YEAS—24.

Atlee,	Harrison,	Pope,
Carter,	Johnson,	Seale,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Sims,
Cranford,	Lubbock,	Stephens,
Finch,	Maetze,	Townsend,
Frank,	McKinney,	Tyler,
Garwood,	Page,	Whatley.

Senator Townsend moved to suspend the rules further, and take up Senate bill No. 217.

Adopted.

And Senate bill entitled an act to create the county of Beaver out of parts of Hardeman, Knox and Cottle counties, and to provide for its organization,

Was read second time, with committee amendment.

On motion of Senator Townsend the amendment was adopted.

Senator Townsend offered, and afterwards withdrew, the following amendment:

Amend by striking out the word "Beaver" in the caption, and inserting in lieu thereof the name "Ford."

Senator Stephens offered the following:

Amend caption by adding after the word "Hardeman" the word "King," and make the bill conform to amended caption.

Adopted, and bill ordered engrossed.

Senator Kimbrough moved to further suspend regular order, and take up Senate bill No. 121.

Adopted.

And Senate bill No. 121, entitled "An act to amend article 4390a of the revised civil statutes, title 87, chapter 1, as amended February 5, 1884, by the Eighteenth Legislature of the State of Texas," was read second time, with amendment by the committee.

Committee amendment adopted.

Question now recurring on the engrossment of bill,

Senator Stephens offered the following amendment: Amend by adding to last section of bill the following:

"Provided that the provisions of this act shall not apply to counties having less than 20,000 inhabitants."

Senator Whatley offered the following amendment to the amendment offered by Senator Stephens, which was accepted:

"Amend the amendment by striking out 20,000 and insert 25,000."

After discussion, Senator Tyler offered the following amendment:

"Amend by striking out 25,000 and insert in lieu thereof the words 'Forty thousand.'"

Senator Kimbrough offered the following substitute to Senator Tyler's amendment:

"Strike out 25,000 and insert 30,000."

On motion of Senator Page further consideration of the bill was postponed until next Tuesday, after the morning call.

ORDER OF THE DAY.

Being consideration of Senate bill No. 2.

Question recurred to the adoption of substitute offered by Senator Johnson for the amendment offered by Senator Simkins.

The yeas and nays being called for, the substitute was adopted by the following vote:

YEAS—12.

Atlee,	Kimbrough,	Sims,
Finch,	Maetze,	Stephens,
Frank,	McKinney,	Townsend,
Garwood,	Seale,	Whatley,
Johnson,		

NAYS.

Carter,	Harrison,	Page,
Clark,	Kearby,	Pope.
Clemens,	Lubbock,	Tyler.
Cranford,		

Senator Townsend moved to reconsider the vote by which the substitute was adopted.

Senator Johnson moved to lay the motion on the table.

Senator Carter moved a call of the Senate.

The call was ordered.

A call of the roll showed Senators Simkins and Weisiger to be absent without leave.

Order of the day being Senate bill No. 1, entitled "An act to provide for the holding of the terms of the Supreme Court, Commission of Appeals and Court of Appeals at Austin, Tex."

Senator Johnson made it the point of order that the bill had been improperly made a special order, because

when the same was done the bill had not been reported from the committee. The point of order was sustained.

Senate being under call, Senator Page moves to excuse the absentees, and the ayes and noes being called for the motion was lost by the following vote:

YEAS—13.

Atlee,	Kimbrough,	Seale,
Finch,	Maetze,	Sims,
Frank,	McKinney,	Stephens,
Garwood,	Page,	Whatley.
Johnson,		

NAYS—10.

Carter,	Harrison,	Simkins,
Clark,	Kearby,	Townsend,
Clemens,	Lubbock,	Tyler,
Cranford,	Pope,	

Senator Johnson made the point of order that it takes only a majority vote to excuse absentees.

Chair overruled the point of order.

Senator Clemens moved to suspend regular order and take up Senate bill 110, and that House bill No. 290, on the same subject, be read for the information of the Senate.

Adopted.

And Senate bill No. 110, entitled "An act making appropriation for deficiencies in the appropriations heretofore made for payment of expenses in support of the State government for the year ending February 28, 1891, and for previous years, being for payment of claims registered in the comptroller's office in accordance with law and for outstanding claims not registered and other deficiencies.

Was read the second time.

Senator Clemens moved to postpone further consideration of Senate bill No. 110, and to take up House bill No. 290, as a substitute for the same.

Adopted, and House bill No. 290, entitled "An act making appropriations for estimated deficiencies in the appropriations for the support of the State government from March 1, 1889, to February 28, 1891."

Was read the second time, with committee amendment.

Amendment was adopted.

Senator Clemens moved the constitutional rule be suspended, and that the bill be put upon its third reading and final passage.

Adopted by the following vote:

YEAS—23.

Atlee,	Harrison,	Pope,
Carter,	Johnson,	Seale,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Stephens,

Cranford,	Lubbock,	Townsend.
Finch,	Maetze,	Tyler,
Frank,	McKinney,	Whatley.
Garwood,	Page,	

NAYS—None.

Senator Frank offered the following amendment:

To pay J. J. Tobin for paper for use of capital, \$45.00.

To pay the Thompson-Houston Electric Co. for armature for use of capitol, \$505.

To pay A. J. Zilker for coal for use of engine to heat the capitol, \$968.28.

To pay Frank Heirman and brother for work done on engine house at capitol, \$20.95.

To pay Herman Ludwig labor at boiler house, twenty-four days at \$1.75 per day, \$842.

To pay Jack Dalton ten days labor in building and working on electric wires at \$2.50 per day, \$25.

To pay G. S. Clark one and one-half days work on elevator at \$3 per day, \$4.50.

To pay L. C. Barron one-half day laying brick at boiler house at capitol at \$5 per day, \$2.50.

To pay Emory Harold firing boiler at capitol twenty-four days at \$1.75 per day, \$42.

To pay L. C. West for twenty-four days work on electric wire and attending steam pump at capitol at \$1.75 per day, \$42.

To pay Tom Cavit for twenty-four days work in keeping water closets clean at capitol and in repair at \$1.25 per day, \$30.

To pay the United States Encaustic Tile Co. for tiling for the capitol \$42.50, Total \$1769.73.

Adopted.

Bill read third time. Question being on the final passage of the bill.

It passed by the following vote:

YEAS—22.

Atlee,	Johnson,	Pope,
Clark,	Kearby,	Seale,
Clemens,	Kimbrough,	Simkins,
Cranford,	Lubbock,	Stephens,
Finch,	Maetze,	Townsend,
Frank,	McKinney,	Tyler,
Garwood,	Page,	Whatley.
Harrison,		

NAYS—None.

Senator Page moved to excuse the absentees under the call of the Senate.

Lost by the following vote:

YEAS—13.

Atlee,	Kimbrough,	Seale.
Finch,	Maetze,	Sims,
Frank,	McKinney,	Stephens,

Garwood, Page, Whatley.  
Johnson,

NAYS—10.

Carter, Kearby, Simkins,  
Clark, Lubbock, Townsend,  
Clemens, Pope, Tyler,  
Cranford,

Senator Stephens moved to suspend rule and take up Senate bill No. 1. Ayes and noes being called for it was lost by the following vote:

YEAS—12.

Atlee, Carter, Clark,  
Finch, Frank, Garwood,  
Kimbrough, Pope, Simkins.  
Seale, Stephens, Sims,

NAYS—12.

Cranford, Clemens, Harrison,  
Johnson, Kearby, Lubbock,  
Maetze, Page, Townsend,  
Tyler, Whatley.

Senator Johnson moved to make Senate bill No. 1 special order of the day for next Wednesday after the morning call, and from day to day until disposed of.

Senator Stephens moved to substitute "Monday" for "Wednesday" in Senator Johnson's motion.

The ayes and nays being called for, it was lost by the following vote:

YEAS—12.

Atlee, Harrison, Simins,  
Carter, Lubbock, Sims,  
Finch, Maetze, Stephens,  
Frank, Page, Townsend,

NAYS—10.

Clark, Kimbrough, Seale,  
Clemens, McKinney, Tyler,  
Cranford, Pope, Weisiger,  
Johnson,

Question recurring on motion to make Senate bill No. 1 special order for Wednesday and from day to day until disposed of.

It was adopted and so ordered.

Senator Page moved to further suspend the regular order of business and take up Senate bill No. 211.

Adopted and Senate bill entitled "An act to authorize the Commissioner of Agriculture, Insurance, Statistics and History to have experiments in the utilization of lignites for fuel and to make an appropriation therefor," was read second time.

Question being on engrossment of the bill, Senator Kearby offered the following amendment:

Amend by adding section 4: There being no law now authorizing the expenditure of money to test lignite and it being a matter of vast and universal importance to the State of Texas there exists an emergency and public neces-

S J—13

sity for the suspension of the constitutional rules requiring bills to be read on three several days and that this act take effect from and after its passage.

Adopted.

Senator Stephens offered the following amendment:

Amend by adding to section 2 the following:

Provided, That a full report of such experiments shall at once be made in writing to the Agricultural Department of this State and published in the agricultural report.

Adopted.

And the bill was ordered engrossed. Question recurring to Senate bill No. 2, Senator Johnson moved to table the motion to reconsider made by Senator Townsend.

The ayes and noes being called for, it was lost by the following vote:

YEAS—12.

Atlee, Johnson, Seale,  
Finch, Kimbrough, Sims,  
Frank, Maetze, Stephens,  
Garwood, McKinney, Whatley.

NAYS—13.

Carter, Kearby, Simkins,  
Clark, Lubbock, Townsend,  
Clemens, Page, Tyler,  
Cranford, Pope, Weisiger,  
Harrison,

Question being on motion to reconsider the vote by which Senator Johnson's substitute was adopted.

And ayes and noes being called for it was adopted by the following vote:

YEAS—13.

Carter, Kearby, Simkins,  
Clark, Lubbock, Townsend,  
Clemens, Page, Tyler,  
Cranford, Pope, Weisiger,  
Harrison,

NAYS—12.

Atlee, Johnson, Seale,  
Finch, Kimbrough, Sims,  
Frank, Maetze, Stephens,  
Garwood, McKinney, Whatley.

Question being now on the adoption of the substitute offered by Senator Johnson, and the ayes and noes being called for, and the vote resulting in a tie, the President voted "aye" and the substitute was adopted.

YEAS—13.

Atlee, Johnson, Seale,  
Finch, Kimbrough, Sims,  
Frank, Maetze, Stephens,  
Garwood, McKinney, Whatley,  
Mr. President.

NAYS—12.

Carter, Kearby, Simkins,  
Clark, Lubbock, Townsend,  
Clemens, Page, Tyler,

Cranford, Pope, Weisiger,

Senator Harrison announced that he was paired with Senator Crane, he voted "no" and Senator Crane would vote "aye."

Senator Page offered the following amendment to the substitute of Senator Johnson:

Amend by striking out line 28, page 3 of printed bill and insert the following:

"For a history of the United States — cents. Said history in its treatment of the late war between the States, and the questions leading thereto, or arising therefrom, to be just and fair to the South."

Which was accepted by Senator Johnson and was adopted.

Senator Johnson made the following report:

COMMITTEE ROOM,

Austin, February 14, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Internal Improvements, to whom was referred Senate bill No. 207, being an "Act to amend article 4238 of Revised Statutes of the State of Texas as amended by an act approved April 8, 1889,

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass.

JOHNSON, Chairman.

Bill read first time.

Senator Johnson made the following report:

COMMITTEE ROOM,

Austin, February 12, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Internal Improvements, to whom was referred

Senate bill No. 52, being "An act to provide for the regulation of commerce and creating a railroad commission and defining the duties of such commissioner in relation to common carriers."

And also Senate bill No. 54, "An act to correct abuses and prevent unjust discrimination and extortion in the rates of freight on the different railroads of this State, to prevent pooling and unlawful combinations, to establish reasonable maximum charges for the transportation of freight, to prohibit railroads from charging other than just and reasonable rates, to require railroad companies to provide and maintain adequate depot buildings and accommodations, and to keep up the roadbed and track, and to

provide adequate penalties for the enforcement of the same, to prescribe a mode of procedure and rules of evidence in relation thereto, and to create a board of railway commissioners and to prescribe their powers and duties."

Have had the same under consideration, and instruct me to report the following substitute for said bills, and to recommend that said substitute do pass.

JOHNSON, Chairman.

Bills and substitute read first time.

On motion of Senator Pope, Senate adjourned to Monday morning at 10 o'clock.

## TWENTY-NINTH DAY.

SENATE CHAMBER,

TWENTY-SECOND LEGISLATURE,

Austin, Tex., Feb. 16, 1891.

Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair

Roll called.

Quorum present.

The following Senators answering to their names:

### PRESENT—26.

Atlee,	Glasscock,	Page,
Carter,	Harrison,	Potter,
Clark,	Ingram,	Seale,
Clemens,	Johnson,	Simkins,
Crane,	Kearby,	Sims,
Cranford,	Kimbrough,	Stephens,
Finch,	Lubbock,	Townsend,
Frank,	Maetee,	Tyler,
Garwood,	McKinney,	Weisiger,
		Whatley.

Prayer by the chaplain, Dr. Smoot.

Pending the reading of the Journal, on motion of Senator Harrison the further reading of the same was dispensed with.

Senator Frank offered the following report:

COMMITTEE ROOM,

Austin, February 14, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee, to whom was referred Senate Bill No. 175, being "An act to purchase convict farms and improve and stock the same and to work convicts thereon and to make an appropriation therefor," being recommitted for further action by this committee, have had the same under careful consideration, and I am instructed to report the same back to the Senate with the following amendments: